IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.49/2000

Smt. Rukmani Bai

Versus

State

DATE OF ORDER :: 16/08/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Biri Singh Sinsinwar, for petitioner
Mr. Arun Sharma, P.P.

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Instant petition has been filed by petitioner assailing the order dated 20th November, 1999 whereby learned trial Judge has accepted the FR submitted by Investigating Officer and it was observed that petitioner failed to produce evidence despite ample opportunity afforded to her.

Complainant-petitioner filed a complaint for the incident, which according to her, took place on 2nd & 23rd April, 1997 on 18th November, 1997. On the basis of said complaint, case was registered and sent for investigation u/s.156(3) Cr.P.C. The Investigating Officer after examining in detail and taking the statements of petitioner, her husband Gopal and so also of Shri Motilal Meena, it was observed that because of a Criminal Case No.46/97 registered u/ss.454 & 380 IPC on 31st March, 1997 against the petitioner and was taken in judicial custody on 31st March, 1997 and according to her, on the said date, the SHO,

Police Station Sheeshbali, committed rape, but on inquiry, it revealed that the date which was alleged by her i.e. of 02/4/97 & 23/4/97 no such incidence took place, particularly, when she was in judicial custody on 31st March, 1997 and the Investigating Officer took remand - at that time, two lady police constables were with her and both of them in her statement averred that no such incidence has ever occurred. Apart from it, after remaining silence for about six months, she filed a compliant of alleged incidence of April, 1997 on 18/11/97 and no reasonable justification came forward and apart from it, it further transpired that her husband Shri Gopal is suffering with Tuberculosis and was under much economic stress and she is living with one Motilal Meena and a son was born from Motilal with whom she is residing and took plea only in counter because of a criminal case pending against her of which detail report was submitted by Senior Police Officer of the incident as alleged by petitioner and finally he observed that no incidence has taken place and submitted FR.

It is true that protest petition was filed, but nothing transpires from the same. It appears that because of some personal vengeance, this complaint was filed. Since she failed to produce any evidence, learned trial Judge was fully satisfied with the FR submitted by the Investigating Officer and accordingly, accepted the same.

This court has also gone through the complaint and so also the final report furnished by Investigating Officer and certainly an extensive inquiry was undertaken by him to find out the truth of the alleged incident. This court is also satisfied with the final report which was accepted by learned trial Judge and does not call for interference.

Consequently, the misc. petition fails and is hereby dismissed. Record be sent back to trial court forthwith.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.